

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2543
101ST GENERAL ASSEMBLY

4671H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 41.890, 173.1150, 173.1153, and 173.1155, RSMo, and to enact in lieu thereof one new section relating to tuition for military personnel and dependents.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 41.890, 173.1150, 173.1153, and 173.1155, RSMo, are repealed
2 and one new section enacted in lieu thereof, to be known as section 173.1150, to read as
3 follows:

173.1150. 1. **As used in this section, the following terms mean:**

2 **(1) "Active military service", active service in:**

3 **(a) Any branch of the Armed Forces of the United States;**

4 **(b) Any reserve component of the Armed Forces of the United States;**

5 **(c) The National Guard of this state as defined in 32 U.S.C. Section 101, as**
6 **amended; or**

7 **(d) Any defense force of this state as described in 32 U.S.C. Section 109, as**
8 **amended;**

9 **(2) "Dependent", the same definition as in 10 U.S.C. Section 1072, as amended.**

10 **2. Notwithstanding any provision of law to the contrary, any individual in active**
11 **military service or who was honorably discharged or separated from active military**
12 **service or who is in the process of separating from** ~~[any branch of the military forces of the~~
13 ~~United States]~~ **active military service with an honorable discharge or a general discharge**
14 ~~[shall have student resident status for purposes of admission and]~~ **who is accepted for**
15 **admission by any degree program, training program, or course of instruction, whether**
16 **such program or course is an undergraduate or graduate program or course and is**
17 **offered in the classroom, online, or by a hybrid of both, at any approved public four-**

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **year or approved two-year institution shall not be charged a rate of tuition that exceeds**
19 **the rate of** in-state tuition at ~~[any]~~ **such** approved public four-year institution in Missouri or
20 in-state, in-district tuition at ~~[any]~~ **such** approved two-year institution in Missouri.

21 ~~[2. To be eligible for student resident status under this section, any such individual~~
22 ~~shall demonstrate presence and declare residency within the state of Missouri. For purposes~~
23 ~~of attending a community college, an individual shall demonstrate presence and declare~~
24 ~~residency within the taxing district of the community college he or she attends.]~~

25 **3. A dependent of an individual described in subsection 2 of this section and who**
26 **is accepted for admission by any degree program, training program, or course of**
27 **instruction, whether such program or course is an undergraduate or graduate program**
28 **or course and is offered in the classroom, online, or by a hybrid of both, at any approved**
29 **public four-year or approved two-year institution shall not be charged a rate of tuition**
30 **that exceeds the rate of in-state tuition at such approved public four-year institution in**
31 **Missouri or in-state, in-district tuition at such approved two-year institution in**
32 **Missouri. For a dependent who is not domiciled in Missouri, the in-state tuition rate or**
33 **the in-state, in-district tuition rate shall terminate upon such dependent's completion of**
34 **such degree program, training program, or course of instruction.**

35 ~~[3-]~~ **4.** The coordinating board for higher education shall promulgate rules to
36 implement this section.

37 ~~[4-]~~ **5.** For purposes of this section, "approved public institution" shall have the same
38 meaning as provided in subdivision (3) of subsection 1 of section 173.1102.

39 ~~[5-]~~ **6.** Any rule or portion of a rule, as that term is defined in section 536.010, that is
40 created under the authority delegated in this section shall become effective only if it complies
41 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
42 This section and chapter 536 are nonseverable and if any of the powers vested with the
43 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
44 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
45 rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid
46 and void.

2 ~~[41.890. For the purposes of student resident status, military~~
3 ~~personnel, when stationed within the state under military orders, their~~
4 ~~spouses, and their unemancipated children under twenty-four years of age who~~
5 ~~enroll in a Missouri community college, Missouri college, or Missouri state~~
~~university shall be regarded as holding Missouri resident status.]~~

2 ~~[173.1153. 1. Notwithstanding any provision of law to the contrary,~~
3 ~~any individual who is currently serving in the Missouri National Guard or in a~~
~~reserve component of the Armed Forces of the United States shall be deemed~~

4 to be domiciled in this state for purposes of eligibility for in-state tuition at any
5 approved public institution in Missouri.

6 2. To be eligible for in-state tuition under this section, any such
7 individual shall demonstrate presence within the state of Missouri. For
8 purposes of attending a community college, an individual shall demonstrate
9 presence within the taxing district of the community college he or she attends.

10 3. If any such individual is eligible to receive financial assistance
11 under any other federal or state student aid program, public or private, the full
12 amount of such aid shall be reported to the coordinating board for higher
13 education by the institution and the individual. The tuition limitation under
14 this section shall be provided after all other federal and state aid for which the
15 individual is eligible has been applied, and no individual shall receive more
16 than the actual cost of attendance when the limitation is combined with other
17 aid made available to such individual.

18 4. The coordinating board for higher education shall promulgate rules
19 to implement this section.

20 5. For purposes of this section, "approved public institution" shall have
21 the same meaning as provided in subdivision (3) of subsection 1 of section
22 173.1102.

23 6. Any rule or portion of a rule, as that term is defined in section
24 536.010, that is created under the authority delegated in this section shall
25 become effective only if it complies with and is subject to all of the provisions
26 of chapter 536 and, if applicable, section 536.028. This section and chapter
27 536 are nonseverable and if any of the powers vested with the general
28 assembly pursuant to chapter 536 to review, to delay the effective date, or to
29 disapprove and annul a rule are subsequently held unconstitutional, then the
30 grant of rulemaking authority and any rule proposed or adopted after August
31 28, 2016, shall be invalid and void.]

2 [173.1155. Notwithstanding any other provision of law, all
3 dependents, as defined by 37 U.S.C. Section 401, of active duty military
4 personnel, or activated or temporarily mobilized reservists or guard members,
5 assigned to a permanent duty station or workplace geographically located in
6 this state, who reside in this state, shall be deemed to be domiciled in this state
7 for purposes of eligibility for in-state tuition and shall be eligible to receive in-
8 state tuition at public institutions of higher education in this state. The
9 determination of eligibility for in-state tuition shall be made at the time the
10 dependent is accepted for admission by the institution. All such dependents
11 shall be afforded the same educational benefits as any other individual
12 receiving in-state tuition so long as he or she is continuously enrolled in an
13 undergraduate or graduate degree program of an institution of higher education
14 in Missouri, or transferring between Missouri institutions of higher education
or from an undergraduate degree program to a graduate degree program.]

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